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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,064	11/19/2003	Tatsuki Matsumoto	NEKO 20.738	7229
26304	7590	10/11/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			AFSHAR, KAMRAN	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	

2681

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,064

Applicant(s)

MATSUMOTO, TATSUKI

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, & 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/8/05, 11/19/03
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims ^{1, 5, 8} are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (U.S. Patent 6,850,758 B1) in view of Hodges (U.S. patent 5,754,4952) further in view of Martineau (U.S. Patent 5,915,226).

With respect to claims 1, 5, Paul discloses method and / or a portable telephone terminal device a recording medium (See e.g. identifier stored in a Subscriber Identity Module, SIM card, permanent and or an insertable memory module, Co. 1, Lines 28-33) to record information of a subscriber (See e.g. identify the subscriber from the information encoded on the SIM card, Co. 1, Lines 36-40). Further Paul discloses the telephone call based (I.e. call origination, call hold, call waiting, etc. 78, 80, 82, 84 of Fig. 2) on information indicative of master-slave relation (See e.g. master-slave relationship Co. 5, Lines 43-59). In an analogous field of endeavor, Hodges discloses means for restricting execution of a service based on the information (See e.g. MIN, 312 of Fig. 3, Co. 4, Lines 59-61). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching facilitating service restrictions that incurs payment except for telephone call fee based on information (See Martineau, e.g. Co. 2, Lines 16-20. The motivation comes from Martineau, the subscriber can at any time turn his subscription into a restricted mode when he wants to lend his handset to someone (See e.g. Co. 2, Lines 65-67).

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Regarding claim 8, recording medium is User Identity Module UIM card, Subscriber Identity Module card SIM, or Universal Subscriber Identity Module USIM card (See e.g. Paul Co. 1, Lines 36-40, and / or Martineau, Co. 1, Lines 61-67).

Allowable Subject Matter

3. Claims 2-4, 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2, 6, the prior art of record fails to disclose or render obvious that the restriction means executes restriction according to permission or no permission from a second terminal device having a recording medium that records information indicative of master-slave relation being master, when the information recorded in the recording medium of a first terminal device is indicative of slave

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Hentila (U.S. 6,044,259) which discloses System for subscriber administration in telecommunication network.

b) Proust (U.S. 6,216,014 B1), which discloses Communication system for managing safely and independently a plurality of applications by each user card and corresponding user card and management method.

c) Koster (U.S. 6,253,081 B1), which discloses Method and system for providing roaming service in a telecommunications system that is partially enabled for local number portability.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Feild, Joseph can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is 571-273-8300 for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamran Afshar


JOSEPH FIELD
SUPERVISORY PATENT EXAMINER